



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

SA:NR
F.#2011R00693

*271 Cadman Plaza East
Brooklyn, New York 11201*

January 9, 2011

By Electronic Mail
Glenn Obedin, Esq.
Naiburg, Obedin and Weissman
320 Carlton Avenue #2500
Central Islip, New York 11722

Re: United States v. Heriberto Ruiz
Criminal Docket No. 11-335 (BMC)

Dear Mr. Obedin:

The government writes pursuant to Rule 16(a)(1)(G) of the Federal Rules of Criminal Procedure to provide the identities of the two experts may seek to call as witnesses at trial. This letter supplements the government's letter of December 14, 2011, in which the government notified the defendant of its intent to call two experts at trial and the subject matter of their expected testimony.

First, the government intends to call New York Police Department ("NYPD") Detective Joseph Fazzino at trial. At trial, Detective Fazzino will testify regarding: (1) the wholesale price and street value of heroin at the time that the defendant was arrested; that the amount of money the amount of money seized by the DEA agents from the defendant is consistent with the purchase of multiple kilograms of heroin; and (3) that the quantity of narcotics at issue is consistent with distribution rather than with and not with personal use. We also anticipate Detective Fazzino will testify regarding the methods in which heroin is packaged and sold. Specifically, Detective Fazzino will testify that heroin dealers often use stamps to identify their product.

Detective Fazzino is an NYPD detective who is currently assigned to the Narcotics Major Case Squad. He has been with the NYPD for approximately 20 years. He has received training in the area of narcotics investigation, including narcotics pricing, and has extensive experience working on narcotics investigations. Detective Fazzino has previously testified in federal court in this district as an expert witness in the field of controlled substances. For example, Detective

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Fazzingo testified as a witness with respect to narcotics distribution in United States v. Leroy Davis, Criminal Docket No. 09-829 (CBA). A copy of his testimony in that case is attached hereto.

Second, the government intends to call Mario Michelena to testify as a Spanish linguistic expert at trial, should the defendant fail to stipulate to the translation and transcription of the audio recordings provided in discovery. Mr. Michelena is expected to testify regarding the preparation of the translations and transcriptions of the Spanish language recordings that the government intends to introduce into evidence at trial. He will further testify that the finalized transcripts are true and accurate English translations of the original recordings

Please contact me if you have any questions regarding the above disclosures.

Very truly yours,

LORETTA E. LYNCH
United States Attorney

By: /s/
Nathan Reilly
Assistant U.S. Attorney

Enclosures

cc: Clerk of the Court (BMC) (without enclosures)